

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Docket No. 7032
Joint Petition of Vermont Electric Power
Company, Inc., Green Mountain Power
Corporation and the Town of Stowe Electric
Department for a certificate of public good,
pursuant to 30 V.S.A. Section 248, authorizing the
so-called Lamoille County 115 kV Project,
consisting of the construction of a transmission line
from Stowe to Duxbury, Vermont, and
accompanying facilities

**GREGG HILL RESIDENTS (GRH) PREFILED
SURREBUTTAL TESTIMONY OF WILLIAM D. (BILL) ORR**

Q1. Please state your name and qualifications to give this testimony.

A1. My name is William D. (Bill) Orr, and I represent the nine landowners,
including myself, known in PSB Docket 7032 as the Gregg Hill Residents.

Q2. Have you ever testified before the Board?

A2. Yes.

Q3. What is the purpose of your testimony in this proceeding?

A3. My purpose is to respond specifically and to summarize rebuttal and
discovery testimonies that relate to GHR's proposed reroute of the LCP
electric transmission line.

Concerning the rebuttal testimony of Susan K. Bulmer

Q4. Referring to the rebuttal testimony of Susan K. Bulmer on May 23, 2005,
answer A9, page 3, line 21-23, and page 5, lines 1-2, do you agree with
Ms Bulmer's statement that "*Mr. Orr's testimony presents his opinion of
the impacts of the proposed project on a very limited area, namely a*

1 *portion of Gregg Hill Road and his personal residence as well as the*
2 *personal residences of Mr. Abraham and Mr. Bankson?”*

3 A4 No. My testimony has always been about the impact of the LCP and our
4 alternative reroute on the Gregg Hill neighborhood. In direct testimony, I
5 enumerated benefits to the area, to the general public, and to the properties
6 owned by the nine members of GHR.

7
8 Q5. Please comment on Ms. Bulmer’s statement in A10 on page 4, lines 13-19,
9 discussing the Agency of Natural Resources’ (ANR’s) policies for “uses”
10 of State Lands.

11 A5. She lists four criteria for denying or stringently limiting uses of State
12 Lands:

- 13 ■ (1) *“natural resources and associated values are not destroyed or*
14 *degraded.”* Our proposed reroute is not a new “use”, but a right-of-way
15 swap between two portions of the Mt. Mansfield State Forest. Our reroute
16 creates a new 100-foot ROW but returns an approximately equal ROW to
17 its natural condition.
- 18 ■ (2) “uses are in keeping with existing public uses and original intent of the
19 acquisition.” Our reroute continues the original use as an electric power
20 transmission line.
- 21 ■ (3) “uses are not solely for private gain (that is, the public must benefit
22 from the uses, as well).” Use is not changed. Benefits to the public are the
23 same.
- 24 ■ (4) “individuals participating in group events/activities for which a fee is
25 charged are protected from any liability actions related to the
26 events/activities.” Not applicable.

27
28 Q6. Please comment on Ms. Bulmer’s statement that ANR policy seeks to
29 avoid setting a precedent where state land would become the repository
30 for all uses not desired on private land.

1 A6. About 1000 feet of power lines in the state forest continue to be in the
2 state forest. About one mile of power lines on private properties continue
3 on private land.

4
5 Q7. Do you agree with Ms. Bulmer's statement in A11 on page 5, lines 6-7
6 that she believes "*the primary beneficiaries of the proposed reroute would*
7 *be the private individuals filing for the reroute, not the general public?*"

8 A7. Ms. Bulmer's belief is not supported by any testimony of GHR. On the
9 contrary, all our testimonies have spelled out our reasons why our reroute
10 would obviate the undue adverse effects of the proposed LCP power lines,
11 per 30 V.S.A. §248, subparagraph (b)(4) economic effects and (b)(5)
12 aesthetic effects. We have also testified about these specific public
13 benefits of the GHR reroute:

- 14 ▪ Hundreds of hikers that annually access the pathway to Sunbathers Rock
15 at the Waterbury Reservoir from Gregg Hill Road will begin that
16 experience in a natural environment free from the intrusive effect of either
17 the existing power lines or the more-intrusive LCP power lines at the
18 trailhead. See accompanying testimony of Ellen Dorsey Lillis for details.
- 19 ▪ The LCP power lines will be less intrusive to motorists, runners, walkers
20 and bikers along Gregg Hill Road. Our reroute will bring the new LCP
21 lines across Gregg Hill Road at approximately a right angle and the lines
22 will disappear after a few hundred feet. In the present route, these lines
23 dominate the viewscape for approximately 850 feet at the northern end of
24 the State Forest; this effect would be significantly worsened with
25 VELCO's proposed upgrade. We recognize that this benefit trades off a
26 protracted unharmonious effect for a sudden one. This dilemma is
27 recognized by landscape architects T. J. Boyle and Associates in *Utility*
28 *Line Location Issues Paper – Summary Report* January 2003, page 34:
29 "*Line extensions that follow the roadway in simple progression with fewer*
30 *crossovers tend to have a stronger sense of order, particularly if the*

1 *roadway was designed sensitively. However, crossovers are often needed*
2 *to reduce clearing and create visual separation. In wooded contexts this*
3 *process may promote preservation of order by reducing roadside tree*
4 *loss.” We think that a sudden crossover at one point is less destructive of*
5 *the sense of order than the protracted presence of power lines for 850 feet*
6 *– especially considering that the LCP will have twice as many lines, with*
7 *one tower about twice as high as the existing towers.*

8
9 We note with regret that ANR has declined to take note of the severe
10 *aesthetic impact of the LCP line, even when GHR have explicitly asked*
11 *ANR for a side-by-side comparison of the two configurations.*

- 12 ■ Our reroute will contribute to preserving the natural/rural character of
13 Gregg Hill Road. David Raphael, professional landscape architect and
14 aesthetics consultant for DPS, described Gregg Hill Road (north of the
15 state forest) in these words: *“This area is scenic and has a rural feel of*
16 *woodlands and open pastures, treelines and hedgerows, which will be*
17 *adversely impacted by the presence of the two lines and with new poles at*
18 *a minimum approximately 10 to 20 feet higher than at present. This factor*
19 *and the proposed increased clearing and removal of mature trees and*
20 *screening trees, will shock the average person and necessitate sufficient*
21 *mitigation measures.” [In Aesthetic Assessment and Recommendations*
22 *for. . . docket 7032, April 2005.] Our proposed reroute would obviate this*
23 *“shock” by moving the LCP lines hundreds of feet farther away from*
24 *Gregg Hill Road.*
- 25 ■ GHR members are distinguished for their commitment, generosity, and
26 public spirit in maintaining the rural character of the Gregg Hill
27 neighborhood. See accompanying testimony by Faith Bieler, whose
28 owner-preserved wildlife refuge has been identified by VELCO as an area
29 sensitive to the LCP upgrade, the effects of which ought to be mitigated in
30 some way. The GHR reroute would obviate the need for any other

1 mitigation. The Boschen property holds a similar story. In 1971 Dick
2 Yorkey bought about 60 acres on the west side of Gregg Hill Road and
3 built his dream home there. Later he sold most of that land and bought 45
4 acres on the east side of the road, preserving a view that for decades has
5 been affectionately known as Yorkey Hill, a scenic attraction that draws
6 neighborhood folk and tourists to a lovely roadside view. Beavers moved
7 onto this tract of land and built a dam that resulted in a flooded pond. Mr.
8 Yorkey died in 1988, and his relatives, the Boschens, have jointly decided
9 to keep his house and land rather than sell it. Bob Murray, another GHR
10 member, has tended his 1825-vintage house and 62 acres for more than 40
11 years. Matt and Ellen Dorsey Lillis are a young family with a new baby;
12 they dream of setting up a model farm and sheep range on their 55 acres
13 and offering it as a rural-life laboratory for local school children. In all,
14 GHR members have dedicated far more land along Gregg Hill Road for
15 public enjoyment than the total acreage of the State Forest that borders on
16 the road.

17
18 Q8. Refer to Ms. Bulmer's Q&A15, page 10, line 3-14. Do you agree with her
19 that the Gregg Hill neighborhood would not retain its natural rural
20 character if the GRH reroute is approved?

21 A8 No. All but the last two sentences seem to refer to the forest area, not the
22 Gregg Hill neighborhood. The last two sentences neglect to note that the
23 GHR reroute would improve the aesthetics of the neighborhood by
24 moving the LCP lines hundreds of feet farther away from Gregg Hill
25 Road.

26
27 Q9. Refer to Ms. Bulmer's Q&A 15&16, pages 10 and 11. Please respond to
28 her statements that the GHR reroute would not yield a greater public good
29 and improve the aesthetic environment.

30 A9. Her responses do not match the statements quoted from my testimony.

1
2 Q10. Please comment on Ms. Bulmer's A18 critique of GHR's proposed right-
3 angle crossing of Gregg Hill Road.

4 A10. See discussion above in our A7 above, second bullet.
5

6 Q11. Please comment on Ms. Bulmer's statement in A19, page 13, line 10+.

7 A11. In lines 11-12, her statement, *But I would have to disagree with Mr. Orr*
8 *that the VELCO proposal is less disharmonious than the proposed*
9 *reroute*. My position is the opposite: that the VELCO proposal is more
10 disharmonious than the GHR reroute. Ms. Bulmer's rebuttal argument
11 repeats points already made and yet declines to address the very
12 substantial differences between the existing and proposed VELCO lines.
13

14 Q12. Do you agree with Ms. Bulmer in Q23, page 14, lines 14-17 that the GHR
15 proposal and the testimony of Mr. Abraham present *opinion(s) of impacts*
16 *from the proposed project on a very limited area, namely a portion of*
17 *Gregg Hill Road and his [Abraham's] personal residence as well as the*
18 *personal residences of Mr. Orr and Mr. Bankson?*

19 A12. Not at all. See my A7 above.
20

21 Q13. Refer to Ms. Bulmer's testimony, A24, page 14, lines 15-17. Please
22 comment on her opinion that "*it is [not] in the public good to reroute the*
23 *VELCO transmission line across an undeveloped forested area in order to*
24 *benefit only a few individual landowners. . .*"

25 A13. She appears to misunderstand Mr. Abraham's earlier reference to the three
26 properties mentioned. He states that the aesthetic impact of LCP is
27 *perhaps greatest* in the state forest and on the three properties mentioned.
28 He does not state or imply that there are no adverse aesthetic effects on
29 other sections of Gregg Hill Road.
30

1 Q14. Refer to Ms. Bulmer's A25, page 16, lines 5-7. Do you agree that Mr.
2 Abraham *"does not address the adverse impacts from the proposed*
3 *reroute on a larger scale on the users of the recreational facilities at and*
4 *around Waterbury Reservoir."*

5 A14. Yes, I do agree. His purpose in that testimony was to assess the possibility
6 that the GHR reroute lines would be visible from Route 100. See his
7 accompanying surrebuttal testimony for a discussion of the impact on
8 Waterbury Reservoir.

9
10 **Concerning the rebuttal testimony of Diana Frederick**

11 Q15. Refer to the rebuttal testimony of Diana L. Frederick on May 23, 2005,
12 page 3, lines 1-12. Please comment on Ms. Frederick's answer to Q7
13 concerning ANR policy guidelines on proposed used of state lands.

14 A15. See my answer in A5 of this testimony to an identical question by Ms.
15 Bulmer.

16
17 Q16. Refer to Frederick rebuttal testimony, A8, page 3, lines 16-19. Please
18 comment on Ms. Frederick's answer to Q8 concerning the beneficiaries of
19 the GHR reroute.

20 A16. See my answer in A7 of this testimony to a virtually identical question by
21 Ms. Bulmer.

22
23 Q17. Refer to Frederick rebuttal testimony, A12, page 5, line 4-5: *"Also, not*
24 *only will the forest be fragmented by the Gregg Hill Road it would*
25 *additionally [be] fragmented by this new proposed power line corridor*
26 *only 500 feet away."* And also A12, page 5, lines 20-22: *". . . A portion of*
27 *the Mount Mansfield state Forest is part of the Gregg Hill neighborhood*
28 *Mr. Orr refers to and in fact the undeveloped forest largely contributes to*
29 *the 'rural character' of this neighborhood."* Please comment on these

1 characterizations of the relation between the Mt. Mansfield state forest and
2 the Gregg Hill neighborhood.

3 A17. We members of the GHR group have a very intimate and strong relation to
4 Gregg Hill Road, our home street, and to the Mt. Mansfield State Forest.
5 We drive – and walk and jog – the road every day, often several times a
6 day. I agree with Ms. Frederick that we consider the forest to be an
7 important part of our environment. However, when she states that the
8 forest is “fragmented” by the road and that the undeveloped forest “largely
9 contributes to the ‘rural character’ of this neighborhood,” I conclude that
10 she may not be familiar with the history of either the road or the forest in
11 this area.

12
13 Waterbury was chartered in 1763 and Stowe in 1794, and an early version
14 of the road connecting the two towns ran through Gregg Hill and Blush
15 Hill. What is now the Waterbury Reservoir was then the Little River
16 Valley, with farms, orchards, sawmills, a Morgan horse breeder, an inn, a
17 school, and other rural amenities of the time. Gregg Hill was creating its
18 distinctive character some 150 years before there was a state forest in the
19 area.

20
21 The need for flood control became imperative after the disastrous flood in
22 1927. Green Mountain Power Company acquired many of the Little River
23 Valley farms to enable creation of a large reservoir in their place. Over
24 several years in the 1930s, a federal construction project built the earthen
25 dam across the Little River and flooded the valley, including a section of
26 the Gregg Hill/Blush Hill road. In 1939, GMP transferred 10,000 acres
27 around and including the reservoir to the state as part of the Mt. Mansfield
28 State Forest in order to assure public access to the new recreational
29 opportunities.

30

1 Within those lands over ensuing years, the unflooded Gregg Hill farms
2 became a new-growth forest. Thus did Gregg Hill Road and the state
3 forest grow synergistically into the rural/woodland environment we know
4 today. That's why our sensibilities are offended by the concept that Gregg
5 Hill Road is a "fragmentation" of the forest.

6
7 Today, our road runs mainly through privately owned lands. In the four-
8 mile loop from Route 100 to Route 100 again, only seven tenths of one
9 mile runs through the State Forest. The rural character of the
10 neighborhood begins shortly after entering Gregg Hill Road from the
11 southern end. Before going half a mile, a motorist comes upon the Lyon
12 farm, where, in 1796, Lemuel Lyon acquired land and built a log-cabin
13 home. The house on the crest of a scenic knoll, built in 1830, is now
14 occupied by Jeff Lyon, the seventh-generation member of his family to be
15 a Gregg Hill landowner and (part-time) resident. By the roadside and in
16 the Lyon meadow, painters set up their easels to capture a quintessential
17 Vermont scene. North of the state forest boundary on Gregg Hill Road,
18 GHR members continue the public-spirited tradition of preserving scores
19 of acres of private property in its natural state and thereby maintaining the
20 rural/woodland character of the neighborhood. Bob Murray lives in a post-
21 and-beam house built in 1825 and tends 63 acres of mostly meadowland.
22 Faith Bieler preserves 53 acres as a publicly accessible wildlife refuge.
23 (See her accompanying testimony.) The Boschens leave 45 scenic acres
24 undeveloped as an aesthetic gift to their family, residents of Gregg Hill
25 Road, nature-lovers, and touring bicyclists. Five Gregg Hill residents –
26 Lyon, Longe, Hart, Bieler, and Blauvelt – own parcels of 100 acres or
27 more, located between Gregg Hill Road and the Reservoir boundary.
28 These faithful stewards of the land (Bieler is a member of GHR) maintain
29 and pay property taxes on undeveloped forest land that preserves the
30 rural/woodland character of the neighborhood and benefits the whole state

1 of Vermont through tax revenues and fostering the state's reputation as a
2 beautiful, wholesome place to live, work, and visit.

3
4 We submit that putting a two-acre right-of-way on some ten acres in the
5 southeast corner of the state forest is a small price to pay for preserving
6 the historic rural/woodland character of this area – especially considering
7 that, as we contend, this small change will have virtually no affect on
8 public's enjoyment of the Reservoir.

9
10 Q18. Refer to Ms. Frederick's rebuttal testimony, A13, page 7, lines 12-18.
11 Please comment on her testimony to the effect that a portion of the GHR
12 reroute "*may actually be more visible from the Gregg Hill Road and the*
13 *recreational resources associated with the Waterbury Reservoir,*" and that
14 "*The resulting increased impacts to the 60,000 plus recreational users of*
15 *this state land does not result in a greater public good.*"

16 A18. Ms. Fredericks' use of the phrase "*may actually be*" correctly identifies
17 her statement as a surmise, not an established fact. The exact route and its
18 aesthetic impact will be determined and measured by professionals in
19 those fields. That considered, we think the Board ought not accept without
20 substantiation the oft-repeated claim by ANR representatives that "*The*
21 *resulting increased impacts to the 60,000 plus recreational users of this*
22 *state land does not result in a greater public good.*" We submit that:

- 23 ■ Gregg Hill Road is not an integral part of the Waterbury Reservoir
24 experience, whether or not the electric transmission lines are visible from
25 some specific points on the Reservoir.
- 26 ■ The northern arm of the Reservoir is dedicated to a wilderness experience,
27 and the visibility of transmission lines there might adversely affect that
28 experience. However, neither the present line nor the planned upgrades
29 nor the GHR reroute are visible from this arm.

- 1 ▪ The southern arm, near the dam, is dedicated to a mix of semi-wilderness
2 experiences and recreational activities that include power boating. The
3 path of the transmission line through the forest cannot be seen from this
4 arm.
- 5 ▪ The eastern arm is dedicated primarily to family-centered recreations such
6 as swimming, picnicking, barbequing and playing games. Children and
7 adults engaged in these activities will not likely be offended or
8 disappointed in their Reservoir experience if, in one of a very few specific
9 points, they look up and see a barely perceptible interruption of the
10 treeline in the forest half a mile away.
- 11 ▪ The publication *Long-Range management Plan Mt. Mansfield State*
12 *Forest*, published by the Agency of Natural Resources in 2002, identifies
13 the Waterbury Center State Park and Little River State Park as Intensive
14 Use Areas (IUA) and sets policy guidelines in these words: “*Intensive Use*
15 *Areas are easily accessible and characterized by a high level of human*
16 *activity and/or high intensity development on or adjacent to state land.*
17 *Vegetative management will be directed towards aesthetic and safety*
18 *considerations while lessening impacts on natural resource values. Other*
19 *resources may be managed but in a compatible way with the dominant*
20 *use.*” [Pages taken from the ANR website are not numbered.] The one
21 spot on the eastern arm where the GHR reroute line might possibly be
22 discernible is from the Blush Hill boat launch, where the “dominant use”
23 is not a wilderness experience but family-oriented recreation. A person
24 standing in the parking lot adjacent to the boat launch might chance to
25 look across the Reservoir at Gregg Hill and discern a slight interruption in
26 the treeline. Of the 60,000 or so annual visitors to all sectors of the
27 Reservoir, we submit that the number of users at the Blush Hill boat
28 launch site and parking lot who will be disappointed in their recreation
29 experiences because of the GHR reroute is likely to be very close to zero.
30

1 Q19. Refer to Ms. Frederick's rebuttal testimony, A14, page 8, lines 5-7 where
2 she states: "*However, I do not agree that the Gregg Hill residents'*
3 *proposal will yield an aesthetic improvement over the existing VELCO*
4 *proposal.*" Do you agree with this statement?

5 A19. No. The GHR reroute will yield aesthetic improvements in the section of
6 Gregg Hill Road referred to in my statement.

- 7 ■ Our reroute will replace an 850-foot eyesore in a part of the forest along
8 the road traveled daily by residents and visitors.
- 9 ■ Our reroute will forestall the construction of an even more offensive
10 eyesore: doubling the number of lines, with one line twice the height of
11 the existing line.
- 12 ■ Our reroute will also forestall the creation of an industrial look and feel to
13 an historic and beautiful neighborhood.

14
15 Q20. Refer to Ms. Frederick's rebuttal testimony, A17, page 10, lines 4-5,
16 where she refers to William Orr's direct testimony Figure 2 showing
17 existing power lines running in the forest for about 850 feet along Gregg
18 Hill Road: "*Thus this view is not important to users of the state forest.*"
19 Do you agree with this statement?

20 A20. No. She goes on to state her reason for the statement: "*The greatest*
21 *impact from the proposed reroute will be to the viewshed from the*
22 *Waterbury Reservoir area.*" The photo caption in question dealt only with
23 the portion of the road pictured, not the Reservoir. To residents, visitors
24 and tourists driving along Gregg Hill Road, the view shown is their
25 experience of the forest at that point – not half a mile away. I submit that
26 the referenced Fig. 2 makes it clear that by eliminating the line altogether
27 in this area, the GHR reroute would indeed yield a better aesthetic effect in
28 this area than either the existing or the proposed VELCO line.

29

Concerning the rebuttal testimony of Terrence J. Boyle and Adam M. Portz

Q21. Refer to the prefiled rebuttal testimony of Terrence J. Boyle and Adam M. Portz, A33, page 16, lines 24 and page 17, lines 1 and 2, in which the expert witnesses comment on the status of their involvement in the GHR reroute proposal in these words: *“We have visited the site and VELCO has flagged a proposed right-of-way. From an aesthetic standpoint, this proposal is perfectly acceptable. We have a minor concern with the potential visibility of this change from the Waterbury Reservoir but it appears that existing vegetation will provide adequate screening. Our understanding is that the environmental, archeological, and other analyses have been completed, but clearly, moving the line to the east of Gregg Hill Road behind the existing residences as proposed is an aesthetic improvement.”* Please comment on their testimony.

A21. We are of course gratified to have this preliminary analysis of our proposed reroute, which tends to support all of our objectives in offering our proposal.

Q22. Does this conclude your testimony?

A22. Yes.

Prepared by William D. (Bill) Orr on June 27, 2005.